

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TONIKA HAYNES,

Plaintiff,

v.

ORDER
02-CV-250A

QUALITY MARKETS (THE PENN
TRAFFIC COMPANY), UNITED FOOD
AND COMMERCIAL WORKERS
INTERNATIONAL UNION,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B), on October 9, 2002. On March 2, 2006, Magistrate Judge Scott filed a Report and Recommendation, recommending that the motion of defendant United Food and Commercial Workers International District Union for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, be granted and that the plaintiff's cross-motion for summary judgment be denied.

Plaintiff filed objections to the Report and Recommendation on March 14, 2006. Defendant United Food and Commercial Workers International Union filed a response thereto on March 28, 2006.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the Court grants the motion of defendant United Food and Commercial Workers International Union for summary judgment, and denies plaintiff's cross-motion for summary judgment.

The Clerk of Court is directed to take all steps necessary to close this case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 30, 2006